

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT LEE KETCHUM,

Defendant.

CR 15-49-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Robert Lee Ketchum (Ketchum) has been accused of violating the conditions of his supervised release. Ketchum admitted all of the alleged violations, except alleged violation 7. Ketchum's supervised release should be revoked. Ketchum should be placed in custody for 5 months, with 43 months of supervised release to follow. Ketchum should serve his term of custody at the Bureau of Prisons' facility in Englewood, Colorado.

II. Status

Ketchum pleaded guilty to Possession with Intent to Distribute Methamphetamine on January 25, 2016. (Doc. 81). The Court sentenced Ketchum to 80 months of custody, followed by 4 years of supervised release. (Doc. 106). Ketchum's current term of supervised release began on

September 10, 2021. (Doc. 154 at 1).

Petition

The United States Probation Office filed an Amended Petition on March 1, 2022, requesting that the Court revoke Ketchum's supervised release. (Doc. 154). The Amended Petition alleged that Ketchum had violated the conditions of his supervised release: 1) by using methamphetamine on two separate occasions; 2) by knowingly associating with a convicted felon without obtaining the prior approval of his probation officer on two separate occasions; 3) by consuming alcohol on two separate occasions; and 4) by committing another crime.

Initial appearance

Ketchum appeared before the undersigned for his initial appearance on the Amended Petition on March 22, 2022. Ketchum was represented by counsel. Ketchum stated that he had read the petition and that he understood the allegations. Ketchum waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on March 22, 2022. Ketchum admitted that he had violated the conditions of his supervised release: 1) by using

methamphetamine on two separate occasions; 2) by knowingly associating with a convicted felon without obtaining the prior approval of his probation officer on two separate occasions; and 3) by consuming alcohol on two separate occasions. The Court dismissed alleged violation 7 on the government's motion. The violations that Ketchum admitted are serious and warrant revocation of Ketchum's supervised release.

Ketchum's violations are Grade C violations. Ketchum's criminal history category is I. Ketchum's underlying offense is a Class B felony. Ketchum could be incarcerated for up to 36 months. Ketchum could be ordered to remain on supervised release for up to 48 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Ketchum's supervised release should be revoked. Ketchum should be incarcerated for 5 months, with 43 months of supervised release to follow. This sentence is sufficient but not greater than necessary. Ketchum should serve his term of custody at the Bureau of Prisons' facility in Englewood, Colorado.

IV. Conclusion

The Court informed Ketchum that the above sentence would be recommended to United States District Judge Brian Morris. The Court also

informed Ketchum of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Ketchum that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

Ketchum stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Robert Lee Ketchum Moore violated the conditions of his supervised release: by using methamphetamine on two separate occasions; by knowingly associating with a convicted felon without obtaining the prior approval of his probation officer on two separate occasions; and by consuming alcohol on two separate occasions.

The Court **RECOMMENDS:**

That the District Court revoke Ketchum's supervised release and commit Ketchum to the custody of the United States Bureau of Prisons for 5 months, with 43 months of supervised release to follow. Ketchum should serve his term of custody at the Bureau of Prisons' facility in Englewood, Colorado.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will

make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 13th day of April, 2022.



John Johnston
United States Magistrate Judge